

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

E. JEAN CARROLL

Plaintiff	Case Number
vs.	No. 1:22-cv-10016
DONALD J. TRUMP	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

E. JEAN CARROLL

Plaintiff	Case Number
vs.	No. 1:20-cv-7311-LAK-JLC
DONALD J. TRUMP, in his personal capacity	
Defendant	

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

On November 4, 2019, Plaintiff E. Jean Carroll filed suit in state court in New York, alleging that Defendant Donald J. Trump defamed her when he repeatedly claimed that she had fabricated allegations that Defendant raped her in the mid-1990s. On September 8, 2020, the United States removed the case to federal court and moved to be substituted as defendant under the Westfall Act. On October 27, 2020, the Hon. Lewis A. Kaplan denied the United States' motion. Defendant and the United States appealed. On September 27, 2022, the Second Circuit issued a decision and certified a question to the D.C. Court of Appeals, which remains sub judice. During the pendency of the appeal, district court proceedings have continued: Judge Kaplan denied Defendant's motion to amend his answer on March 11, 2022, and denied motions to stay proceedings on September 15, 2021 and October 12, 2022. Trial is set for February 6, 2023.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both cases involve the same parties and substantially overlapping facts. The complaint repeats essentially all of the factual allegations in Plaintiff's complaint filed in November 2019 and adds only allegations concerning certain additional causes of action that have ripened now. The truth or falsity of Plaintiff's sexual assault allegation will bear on both the defamation causes of action, as well as Plaintiff's claim for battery, revived by the Adult Survivors Act, NY CPLR § 214-j. As Judge Kaplan has already observed, "[t]he question whether Mr. Trump raped Ms. Carroll is the paramount issue in both cases." Carroll v. Trump, No. 20 Civ. 7311, 2022 WL 6897075, at *7 (S.D.N.Y. Oct. 12, 2022). The discovery already completed in the earlier filed case has addressed this factual question at substantial expense to all parties involved, and the fact witnesses relevant to both actions are the same. A designation of relatedness would help avoid substantial duplication of effort and potentially conflicting decisions on common issues, and minimize the burdens on both the parties and the Court.

Signature: _____


Date: 11/24/2022

Firm: _____

Kaplan Hecker & Fink LLP